

Excerpts
Planning Commission Minutes
February 11, 2004

Application No. UP-631-04, Loretta H. Quesenberry: Request for a Special Use Permit, pursuant to Section 24.1-283(b) of the York County Zoning Ordinance, to authorize the establishment of a nail salon as a home occupation within a single-family detached dwelling located at 371 East Rochambeau Drive.

Ms. Amy Parker, Senior Planner, presented a brief summary of the staff report dated January 27, 2004, in which the staff recommended approval. **Ms. Parker** pointed out the application fully complies with the Zoning Ordinance and Comprehensive Plan and is compatible with surrounding uses.

Mr. Barba asked if any of the applicant's neighbors had voiced objections and **Ms. Parker** said the staff is not aware of any objections to this application.

Mr. Ptasznik voiced concerns regarding water usage during times of drought and the potential for groundwater contamination due to hazardous chemicals used in the business.

Ms. Parker replied that she had contacted the Peninsula Health District regarding water usage, and their staff indicated the small amount of additional water used for such a business would not be of concern with respect to groundwater intake. She also noted that she contacted the Virginia Department of Environmental Quality regarding the use of hazardous chemicals for the business. The applicant would be required to meet statutory requirements for safe disposal of any hazardous chemicals generated by the business. She noted a condition of approval was included in the draft SUP resolution to address this issue, and further stated that the applicant is aware of the referenced regulations.

Mr. Ptasznik opened the public hearing.

Ms. Loretta Quesenberry, 371 E. Rochambeau Drive, explained that she would allow the chemicals that she uses in the course of her business to evaporate on paper towels that will then be placed in a trash receptacle; they will not be flushed down the drain.

Seeing no others, Vice Chair Ptasznik closed the public hearing.

Mr. Heavner had no objection because a nail salon should have a minimal impact on the environment or the neighborhood.

Mr. Davis noted there are a number of such businesses operating on the Peninsula that have caused no problems.

Messrs. Barba and Ptasznik indicated their support for the application. **Mr. Barba** moved the adoption of Resolution No. PC04-4.

PC04-4

On motion of Mr. Barba, which carried 5:0 (Messrs. Hamilton and Simasek absent), the following resolution was adopted:

A RESOLUTION TO RECOMMEND APPROVAL OF A SPECIAL USE PERMIT TO AUTHORIZE A BEAUTY SHOP (NAIL SALON) AS A HOME OCCUPATION AT 371 EAST ROCHAMBEAU DRIVE.

WHEREAS, Loretta Quesenberry has submitted Application No. UP-631-04 requesting a Special Use Permit, pursuant to Section 24.1-283(b) of the York County Zoning Ordinance, to authorize a beauty shop (nail salon) as a home occupation within a single-family detached dwelling on a 1.0-acre parcel of land located at 371 East Rochambeau Drive (Route F-137) and further identified as Assessor's Parcel No. 5A-3-20; and

WHEREAS, said application has been forwarded to the York County Planning Commission in accordance with applicable procedure; and

WHEREAS, the Planning Commission has conducted a duly advertised public hearing on this application; and

WHEREAS, the Commission has given careful consideration to the public comments with respect to this application;

NOW, THEREFORE, BE IT RESOLVED by the York County Planning Commission this the 11th day of February, 2004, that Application No. UP-631-04 be, and it is hereby, transmitted to the York County Board of Supervisors with a recommendation of approval to authorize a Special Use Permit, pursuant to Section 24.1-283(b) of the York County Zoning Ordinance, to establish a beauty shop (nail salon) as a home occupation within a single-family detached dwelling on a 1.0-acre parcel of land located at 371 East Rochambeau Drive and further identified as Assessor's Parcel No. 5A-3-20, subject to the following conditions:

1. This use permit shall authorize the establishment of a one (1)-chair beauty shop (nail salon) as a home occupation within a single-family detached dwelling on a 1.0-acre parcel of land located at 371 East Rochambeau Drive and further identified as Assessor's Parcel No. 5A-3-20.
2. The home occupation shall be conducted in accordance with the provisions of Sections 24.1-281 and 24.1-283(b) of the York County Zoning Ordinance, except as modified herein.
3. The conduct of such home occupation shall be limited to the existing 135-square foot room within the dwelling as indicated on the applicant's survey plat, titled "Plat of Survey, Lot 20, W.L. Schenck Estate for Conveyance to Richard Alan & Loretta H. Quesenberry, York County, VA," dated June 26, 1996, revised 6/27/96 and received by the Planning Division on December 18, 2003.
4. Disposal and storage of all chemicals associated with the home occupation that are defined as hazardous waste pursuant to Virginia Hazardous Waste Management regulations shall be in

compliance with the Virginia Administrative Code, Virginia Waste Management Board (Agency 20), Chapter 60, Section 12 et. Seq.

5. No person other than individuals residing on the premises shall be engaged on the premises in the home occupation.
6. The days and hours of operation shall be limited to Monday through Friday from 5:30 PM to 8:00 PM and Saturday from 10:00 AM to 3:00 PM.
7. No more than one (1) customer at any one time shall be served within the applicant's home.
8. Retail sales on the premises shall be limited to incidental sales of nail care products.
9. No signs or other forms of on-premises advertisement or business identification visible from outside the home shall be permitted.
10. In accordance with the terms of the Zoning Ordinance, a minimum of two (2) off-street parking spaces shall be provided on the premises to accommodate customers. These spaces shall be in addition to the two (2) spaces that are otherwise required for the single-family residence.
11. In accordance with Section 24.1-115(b)(7) of the York County Zoning Ordinance, a certified copy of the resolution authorizing this special use permit shall be recorded at the expense of the applicant in the name of the property owner as grantor in the office of the Clerk of the Circuit Court.
